

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MERLE FOGLIA,

Plaintiff,

v.

METROPOLITAN PROPERTY AND
CASUALTY INSURANCE COMPANY,

Defendant.

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CIVIL ACTION

No. 17-1216

ORDER

AND NOW, this 31st day of January, 2018, upon consideration of Plaintiff Merle Foglia's ("Foglia") Motion for Summary Judgment and Metropolitan Property and Casualty Insurance Company's ("Metropolitan") Cross-Motion for Summary Judgment, along with all of the briefs in response and opposition to the respective Motions, it is hereby **ORDERED** that:

1. Foglia's Motion for Summary Judgment (Doc. No. 23) is **DENIED**;
2. Metropolitan's Cross-Motion for Summary Judgment (Doc. No. 27) is **GRANTED**; and
3. **JUDGEMENT** is entered in favor of Metropolitan on Foglia's claim of breach of contract (Count I of the Complaint) and Metropolitan's counterclaim for declaratory judgment.¹

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE

¹ The parties have stipulated to confine their Cross-Motions for Summary Judgment to the coverage questions raised in Foglia's breach of contract claim and Metropolitan's counterclaim for declaratory judgment. Consistent with the parties' stipulation, we express no opinion on the merits of Foglia's claim of bad faith (Count II of the Complaint).